



SEROLOGICAL RESEARCH INSTITUTE

AFFIDAVIT

I, Gary C. Harmor, declare as follows:

The facts set forth below are personally known to me and I have first-hand knowledge to the same except such matters stated upon information and belief. If called to testify thereto under oath, I could and would testify as follows:

- 1) I am a Forensic Serologist with the Serological Research Institute located at 1450 53rd Street, Emeryville, California, 94608.
- 2) I am employed by prosecution and defense attorneys as an expert in forensic serology.
- 3) A copy of my resume is attached.
- 4) I have been contacted by Ed Monahan, who is counsel with Bette Niemi. Acting in the defense of their client, Mr. Monahan and Ms. Niemi wish to retain me to evaluate laboratory reports of the Kentucky State Police Crime Lab, re-evaluate their results, and do confirmation testing on items of evidence which include tissue at the end of a clump of hair, blood samples of two victims and the defendant, and blood samples on gloves, a blanket and a hatchet. On completion of the testing, consultation with Mr. Monahan and Ms. Niemi will be required in preparation for trial.
- 5) The Serological Research Institute charges \$90.00 per hour for its services and it is estimated that the charges for this case will be in the order of \$2,100 including a report, and \$700 per day for court appearances plus travel costs.

6) I understand that the blood samples of the victims have been destroyed by the KSP Crime Lab, and that the hair tissue on the hair found at the scene has been consumed by the KSP and FBI Crime Labs to the point that no blood of the victims or tissue found at the scene remains for testing.

In the past, the KSP Crime Lab has destroyed blood samples in other cases that have prevented retesting. The KSP Crime Lab has been previously informed by SERI of the unprofessional nature of this practice.

7) I have briefly reviewed the attached KSP Lab reports, notes and xeroxed copies of the polaroid photographs of the electrophoresis. I can review in detail the reports, notes and photographs and provide opinions on the KSP testing and test the defendant's blood. However, it is not possible, simply using the reports, notes and xeroxes, to retest the blood of the victims or the tissue on the hair. This would prevent me from providing a full and complete expert serological evaluation of these materials.

8) Results in this kind of serological testing depend on the way the tests were conducted, the nature of the sample and other factors.

9) From my experience there is a chance that the test results and conclusions reached by the KSP Crime Lab are incorrect. An incorrect test result or conclusion could mean that it was not the defendant's tissue at the scene.

10) Proficiency test results indicate that errors occur in electrophoretic typing of genetic markers. It is reasonable to assume that errors can occur in determinations from bloodstain evidence from actual casework.

11) Our lab and myself have the capability to do more testing on the blood and tissue than the testing done by the KSP Lab. These tests include the markers Gm and Km.

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12) I would be able to assist defense counsel in preparing cross-examination of the state serologist in the areas discussed above.

13) Serology is an expertise that requires significant knowledge, training and expertise to understand and apply.

Pursuant to the laws of California, I declare under the penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Signed _____

This day _____, 1986,
in the County of Alameda, California